

FILED

FEB 11 2013

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

HEATHER FERNANDEZ, R.N.
License # 26NR13587800

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

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Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a registered nurse in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about July 13, 2011, the Kansas State Board of Nursing revoked respondent's nursing license based upon her having violated her contract with the Kansas Nurse Assistance Program (KNAP). Respondent had missed six of fifteen required check-ins in connection with the program, and tested positive for marijuana on November 1, 2010.
3. Respondent did not report this action to the New Jersey Board as required by N.J.A.C. 13:37-5.9.

4. Respondent renewed her New Jersey nursing license on or about May 24, 2012, and indicated "no" in response to the question relating to actions taken against her professional license by other Boards.

CONCLUSIONS OF LAW

The revocation of respondent's nursing license by the Kansas Board subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(g).

Respondent's failure to notify the Board of the Kansas action, and the misrepresentation on respondent's renewal application, subjects respondent to sanctions pursuant to N.J.S.A. 45:1-21(b) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice in New Jersey was entered on October 5, 2012. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline through her attorney. Respondent maintained that she left Kansas with no intention of returning and moved back to New Jersey. Respondent maintained that was unaware that her license had been revoked in Kansas. Respondent further maintained that she has taken steps towards having her license reinstated in Kansas.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. The Board determined that public safety would not be protected if Respondent were to begin actively practicing nursing in the State of New Jersey after having been revoked in Kansas for violating her agreement with the Kansas Nurse Assistance Program.

ACCORDINGLY, IT IS on this 11 day of Feb., 2013,
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended pursuant to N.J.S.A. 45:1-21 (b), (g), and (h). Respondent may not seek reinstatement of her license until her Kansas nursing license has been reinstated. A condition of any reinstatement shall be that respondent's participation in KNAP is monitored if she practices in Kansas, or that she participates in a Board-approved monitoring program in New Jersey if she intends to practice in New Jersey.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Ann Murphy PhD APN
Patricia Ann Murphy, PhD, APN
Board President